

Zoning Board of Adjustment
July 24, 2018

Members Present: John Krebs, Karl Ogren, Jake Stephan, John Quigley (A)

Members Absent: Craig Niiler, Scott Lees, Denny Anderson (A), Tim Cupka, Alternate

Others Present: Janice Zecher, Recording Secretary, Don Harris Zoning Officer,

Meeting called to order at 7:00pm by Karl Ogren, who is sitting in for Chairman Scott Lees. Karl introduced the board members to the public, and explained the rules and procedures.

The minutes from June 26, 2018 were reviewed by the board.

Page 1, second from the last sentence of 5th paragraph; add "the board concurred" after "meets the setbacks".

Page 3, under #5, add "prepared by a NH licensed land surveyor" after "certification".

Page 7, under conditions #2 for Article 7, Section 706.2, remove the word "landscaper", and add "prepared by a NH licensed land surveyor"

Page 8, under summary of facts for Article 3, section 310.1.5 remove "restrictions" and replace with "constraints".

Page 8, last line, #4, add "prior to start of construction" at end of sentence.

A motion was made by John Quigley, seconded by John Krebs to accept the minutes as amended. All were in favor.

Case # 3-58-18 Laura & Maynard Thomson. *Continued from July*

Applicant seeks an appeal for a variance under Article 3, section 304.1 setbacks to build a 24 x 32 barn at 5 Village Road, Tax Map #3, Lot # 58.

Applicant requested a continuance to the August, 2018 meeting. Motion was made by Karl to continue the application, seconded by John Krebs. All were in favor.

Case # 20-4-18 Farmer's Lane Association. *Continued from June*

Applicant seeks an appeal for a Variance under Article 3, Section 304.5 side setbacks to construct a perched beach/waterside structure at Clover Lane, Tax Map 20, Lot 4.

Applicant requested a continuance to the August, 2018 meeting. Abutters Anthony and Maureen Raynes asked to address the board stating they had driven up from Boston to attend this meeting. They asked if there were any way they could be notified when an application is being continued in the future. The board advised them to call on the day of the meeting to see if anything was filed by the applicant. John Quigley made a motion to continue the application, seconded by Jake. All were in favor.

Case # 23-7-18 Mark & Susan Goldstein. *Continued from June*

Applicant seeks an appeal for a Variance under Article 7, Section 706.2, to enclose a breezeway. expansion of nonconforming structure, side setback at 28 Sunset Road, Tax Map #23, Lot #7.

After reviewing several ZBA files through recent years, it was found that a building permit had been issued to build the breezeway connecting the house to the garage. The board agreed applicant did not need to apply for a variance. John Krebs made a motion to dismiss application, seconded by Jake. All were in favor.

Case # 22-41-18 Brian Abbott. *Continued from June.*

Applicant seeks an appeal for a Variance under Article 3, Section 304.2 side setback to build a new home on Mountview Avenue, Tax Map 22, Lot 41.

Mark McConkey and Brian Abbott presented the updated plan. Mark stated there is no tree cutting approval requirement for Mountview that he is aware of. Mark stated the driveway has been revised to allow cars to turn into garage. Second floor plan had been requested the month before but was not presented at this meeting.

There were no abutters present and no one from the general public spoke to this application.

The board reviewed the **Variance Worksheet for Article 3 Section 304.2**

- | | |
|----------------|------------------------|
| 1. Carried 4-0 | 4. Carried 4-0 |
| 2. Carried 4-0 | 5. A. (i) Carried 4-0 |
| 3. Carried 4-0 | 5. A. (ii) Carried 4-0 |

Summary of the facts of the case discussed at the public hearing:

- 1. Garage is back loading because slope is running towards front of house.**
- 2. Front and rear setbacks have been met.**
- 3. House is only 7.5% lot coverage.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.2** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled “Zoning plot for Brian Abbott 52 Ranger Road, Hollis, NH” and dated July 9, 2018.**
- 2. A NH licensed land surveyor will submit a foundation certification.**
- 3. Shall obtain all state approvals.**

Case #47-4-18 Charles Watts III, & Helen Haynes. Applicant seeks an appeal for a variance under Article 3, Section 304.5, rear setback, and special exceptions under article 3, section 304.6.4.1 erosion control, and 304.6.6.4 tree cutting for a slope 12.5% or greater. To remove existing house and build a new home at 3 Swasey Road, Map 47, Lot 4.

James Rines from White Mountain Survey & Engineering reviewed the application and handed out a plan for the board.

There were no abutters present. Members of the public; Peter Park asked if the driveway will meet town standards. James said it would.

The board reviewed the **Variance Worksheet for Article 3 Section 304.5**

- 1. Carried 4-0
- 2. Carried 4-0
- 3. Carried 4-0
- 4. Carried 4-0
- 5. A. (i) Carried 4-0
- 5. A. (ii) Carried 4-0

Summary of the facts of the case discussed at the public hearing:

- 1. The house is moving further away from the water.**
- 2. The house is placed to minimize tree cutting**
- 3. The firepit is 50.3 feet away from the water.**

Based on the foregoing findings of fact, the requested variance from **Article 3 Section 304.5 sideline setbacks** as it pertains to the Town of Freedom Zoning Ordinance be granted with the following conditions:

- 1. Per plan titled “ZBA application plan for Charles H Watts & Helen J Haynes, 3 Swasey Rd, Freedom, NH”, dated July 9, 2018 with a revision date of July 24, 2018.**
- 2. A NH licensed land surveyor will submit a foundation certification.**
- 3. 100% of the demolition materials to be removed from the site unless it is repurposed material.**
- 4. All state permits to be obtained prior to start of job.**

The board began discussion on tree cutting for the application. James explained the tree cutting fence. John Krebs asked if it would make sense to put fencing up on the lake side to ensure debris does not get into the lake. James explained that the state shoreland permit will require orange construction fencing to be placed prior to demolition.

There were no further questions from the board. No abutters present, and no questions from the public.

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.4.1, Erosion Control.**

- A. Carried 4-0
- C. Carried 4-0
- H. Carried 4-0
- J. Carried 4-0
- K. Carried 4-0
- L. Carried 4-0

Summary of the facts of the case discussed at the public hearing:

None

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.4.1 as it pertains to erosion control of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. **Per plan titled “ZBA application plan for Charles H Watts & Helen J Haynes, 3 Swasey Rd, Freedom, NH”, dated July 9, 2018 with a revision date of July 24, 2018.**
2. **Erosion control to be in place prior to demolition.**
3. **All state permits to be obtained prior to demolition.**

The board reviewed the Special Exception Worksheet for **Article 3 Section 304.6.6.4, Tree cutting for a slope 12.5% or greater.**

- | | |
|----------------|----------------|
| A. Carried 4-0 | J. Carried 4-0 |
| C. Carried 4-0 | K. Carried 4-0 |
| H. Carried 4-0 | L. Carried 4-0 |

Summary of the facts of the case discussed at the public hearing:

1. **12.5% slope is only in a small area outside the 75’ reference line.**
2. **No tree cutting within 75 feet of the water.**

Based on the foregoing findings of fact, the requested Special Exception from Article 3 Section 304.6.6.4 as it pertains to tree cutting for a slope 12.5% or greater of the Town of Freedom Zoning Ordinance is granted with the following conditions:

1. **Per plan titled “ZBA application plan for Charles H Watts & Helen J Haynes, 3 Swasey Rd, Freedom, NH”, dated July 9, 2018 with a revision date of July 24, 2018.**
2. **Erosion control to be in place prior to demolition.**
3. **All state permits to be obtained prior to demolition.**

Old Business – None

New Business – Peter Park asked the board how many times a case can be continued before a decision must be made. His concern is that applications lose focus from the original request over time. The board felt most applications don’t go more than 3 months before a decision is made.

Janice relayed that the Planning Board has extended an invitation to hold a joint meeting in September to review the Zoning Ordinance. It had been agreed upon in 2017 to try to start the process earlier to give both boards time to finalize research and prepare the ballot questions for town meeting in March. Karl asked Don Harris, Zoning Officer if he had any ideas for zoning changes. Don said he would give thought to changes. Because the chair and vice chair are absent, Karl tabled discussion until the August meeting.

John Krebs asked if Don would be going to construction sites periodically to make sure building was staying within the limits of the permit. Don said that he would be.

There being no further business before the board, a motion to adjourn was made by John Quigley, seconded by Jake.

Meeting was adjourned at 9:00 pm.

Respectfully submitted,

Janice Zecher
Administrative Assistant